

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TYCO FIRE PRODUCTS LP,	:	CIVIL ACTION
	:	NO. 10-4645
Plaintiff,	:	
	:	
v.	:	
	:	
VICTAULIC COMPANY,	:	
	:	
Defendant.	:	

O R D E R

AND NOW, this **5th** day of **January, 2012**, it is hereby **ORDERED** that Plaintiff's motion to dismiss (doc. no. 63) is **GRANTED** as to Defendant's counterclaim of invalidity and non-infringement of U.S. Patent Number 7,819,201, it is **DENIED** as to Defendant's counterclaim of invalidity and non-infringement of U.S. Patent Number 7,793,736;

It is hereby further **ORDERED**, that Plaintiff's motion to strike Defendant's affirmative defenses (doc. no. 63) is **GRANTED** as to Defendant's affirmative defenses of invalidity and non-infringement of U.S. Patent Number 7,819,201, it is **DENIED** as to Defendant's affirmative defenses of invalidity and non-infringement of U.S. Patent Number 7,793,736;

It is hereby further **ORDERED** that Plaintiff's motion for leave to file a reply memorandum of law (doc. no. 72) and

Defendant's motion for leave to file a surreply memorandum of law (doc. no. 75) are **GRANTED**;¹

It is hereby further **ORDERED** that Defendant shall file an amended answer to Plaintiff's Third Amended Complaint by **January 12, 2012**;

It is hereby further **ORDERED** that, in light of the Court's ruling on Plaintiff's motion to dismiss, the parties' shall meet and confer and submit to the Court the remaining claims in need of construction by **January 18, 2012**.

It is hereby further **ORDERED**, that a Markman hearing is scheduled to consider the parties' proposed claim constructions on **Thursday, February 9, 2012, at 9:00 A.M.** in Courtroom 11A, United States District Court, 601 Market Street, Philadelphia, Pennsylvania.

AND IT IS SO ORDERED.

S/Eduardo C. Robreno

EDUARDO C. ROBRENO, J.

1. The Court considered the substance of both memoranda in its ruling on Plaintiff's motion to dismiss